

1 TERRENCE P. MCMAHON (State Bar No. 71910)
tcmahon@mwe.com

2 ANTHONY DE ALCUAZ (State Bar No. 65599)
adealcuaz@mwe.com

3 McDERMOTT WILL & EMERY LLP

275 Middlefield Road, Ste. 100

4 Menlo Park, CA 94025-4004

Telephone: (650) 815-7400

5 Facsimile: (650) 815-7401

6 Attorneys for Plaintiffs

7 ARISTOCRAT TECHNOLOGIES AUSTRALIA

PTY LIMITED and ARISTOCRAT

8 TECHNOLOGIES, INC.

9 IN THE UNITED STATES DISTRICT COURT

10 FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 SAN JOSE DIVISION

12 ARISTOCRAT TECHNOLOGIES
13 AUSTRALIA PTY LIMITED and
ARISTOCRAT TECHNOLOGIES, INC.,

14 Plaintiffs,

15 v.

16 INTERNATIONAL GAME
TECHNOLOGY and IGT,

17 Defendants.

Case No. C 06-3717 (RMW)

ELECTRONIC CASE FILING

**DECLARATION OF JEREMY T. ELMAN IN
SUPPORT OF DEFENDANTS'
ADMINISTRATIVE
REQUEST TO FILE UNDER SEAL
EXHIBITS TO THE DECLARATION OF
ROBERT T. CRUZEN IN SUPPORT OF
IGT'S MOTION TO COMPEL (DKT. 921)**

Date: N/A

Time: N/A

Location: Courtroom 8, 4th Floor

Before: Hon. Judge Paul S. Grewal

McDERMOTT WILL & EMERY LLP
ATTORNEYS AT LAW
MENLO PARK

1 I, Jeremy T. Elman, the undersigned, declare:

2 I am a partner at the law firm of McDermott Will & Emery LLP, and I am duly licensed to
3 practice before all the Courts of the State of California as well as the United States District Court
4 for the Northern District of California. I am an attorney of record for Aristocrat Technologies
5 Australia Pty Limited and Aristocrat Technologies, Inc. (collectively, "Aristocrat") in this case. I
6 have personal knowledge of the facts set forth herein and can testify competently thereto. I make
7 this declaration in support of Defendants' Administrative Request to File Under Seal Exhibits to
8 the Declaration of Robert T. Cruzen In Support of IGT's Motion to Compel (Dkt. 921).

9 1. The documents that are sought to be filed under seal contain highly sensitive
10 confidential business information of Plaintiff Aristocrat that are protectable as a trade secret or
11 otherwise entitled to protection under the law. Judge Whyte has specifically held that such
12 confidential business information may be filed under seal. *See* Dkt. 794, at 1 ("A request to seal
13 must establish that the document, or portions thereof, is privileged or protectable as a trade secret
14 or otherwise entitled to protection under the law. Civ. L. R. 79-5(a).") (citing L.R. 79-5(a)).

15 2. Specifically, Exhibit K to the Declaration of Robert T. Cruzen (Dkt. 921) contains
16 8 emails and 2 attachments (26 pages total) that contain specific references to Aristocrat's patent
17 portfolio, Aristocrat's patent prosecution strategies, and the status of Aristocrat's outside patent
18 prosecution counsel. These emails and attachments contain references to Aristocrat's
19 organization of its patent portfolio, how Aristocrat tracks its patent application materials, the
20 importance of certain patent applications, and the role of Aristocrat's outside patent prosecution
21 counsel in those certain patent applications. Therefore, public disclosure of these emails and
22 attachments would improperly reveal confidential business information of Aristocrat that may be
23 protectable as a trade secret or otherwise, such as under privacy laws on behalf of Aristocrat or
24 its' outside patent prosecution counsel. The 8 emails and 2 attachments were produced pursuant
25 to an attorney-client waiver by Aristocrat and designed as "Confidential" or "Highly
26 Confidential" pursuant to the parties' Protective Order.

CERTIFICATE OF SERVICE

I, Linda Rohrer, declare:

I am a citizen of the United States and employed in San Mateo County, California. I am over the age of eighteen years and not a party in the above captioned case. My business address is 275 Middlefield Road, Ste. 100, Menlo Park, CA 94025-4004. I certify that on April 13, 2011, Declaration of Jeremy T. Elman in Support of Defendants' Administrative Request to File Under Seal Exhibits to the Declaration of Robert T. Cruzen in Support of IGT's Motion to Compel (Dkt. 921) was electronically filed with the Clerk of the Court and served on all counsel of record using the CM/ECF System.

Executed on April 13, 2011, at Menlo Park, California.

/s/ Linda Rohrer

Linda Rohrer

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MENLO PARK